

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **August 24, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**Case:** Earll v. Simcock

**Case No. CV PM 07-1390**

**Hearing Date:** August 24, 2009

**Department Fifteen**

**9:00 a.m.**

Defendants' evidentiary objections to paragraphs 4, 5, 6, 7, 8 (as to the first three sentences only) and 9 of the Declaration of Martin Blake and Exhibit 12 to the plaintiff's opposition brief are **SUSTAINED**. All other evidentiary objections by the defendants are **OVERRULED**.

Defendants' motion to compel the plaintiff to appear for her deposition in Sacramento, California is **GRANTED** as follows. (Code Civ. Proc., § 2025.260.) Plaintiff shall appear in Sacramento, California for her deposition. If September 3, 2009, is not a convenient date for the plaintiff, plaintiff's counsel shall promptly provide defense counsel Michael Kruppe with alternate dates for the plaintiff's deposition in Sacramento. Defendants shall advance the reasonable costs for the plaintiff to travel to Sacramento.

Defendants' motion to compel the plaintiff to submit to a physical examination in Sacramento is **DENIED WITHOUT PREJUDICE**. Defendants failed to provide information about the time, place, manner, conditions, scope, and nature of the proposed examination, as well as the identity and the specialty of the examining physician. (Code Civ. Proc., § 2032.310, subd. (b).) Defendants may provide the information required in Code of Civil Procedure section 2032.310, subdivision (b) at the hearing. Any order granting the defendants' motion to compel the plaintiff to appear for an examination in Sacramento will be conditioned on the defendants' advancement of the reasonable costs to the plaintiff for travel to Sacramento. (Code Civ. Proc., § 2032.320, subd. (e).)

As for the issue of x-rays, there is no motion to take additional x-rays before the Court and it has not been shown that the plaintiff provided x-rays of any part of her body sought to be examined.

Plaintiff's counsel shall submit to defense counsel Michael Kruppe by no later than August 31, 2009, a written summary of the reasonable costs for the plaintiff to travel from Maidenhead, England to Sacramento, California. Defendants shall advance the reasonable costs for the

plaintiff's travel to plaintiff's counsel by no later than seven days before the date of the plaintiff's deposition.

The parties shall meet and confer in good faith about a date for the plaintiff's deposition, if September 3, 2009, is inconvenient to the plaintiff, and about the reasonable costs for the plaintiff's travel to Sacramento. Failure to meet and confer in good faith shall subject the parties and/or counsel to monetary sanctions.

Defendants' request to continue the trial date is **DENIED WITHOUT PREJUDICE**. It has not been shown that the defendants cannot complete the plaintiff's deposition before the discovery cut-off date.

The mandatory settlement conference date in this case and in *Apodaca v. Simcock* (Yolo Superior Court Case No. CV PM 08-474) is **CONTINUED** to September 25, 2009, at 11:00 a.m. in Department Ten.

Defendants shall serve notice of this ruling to counsel for the plaintiffs in *Apodaca v. Simcock* by no later than August 27, 2009, and file a proof of service in *Apodaca v. Simcock* showing service of such notice.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

#### **TENTATIVE RULING**

**Case:** **People v. \$968.00 (Lance Rozalski)**  
**Case No. CV PT 07-1006**

**Hearing Date:** **August 24, 2009** **Department Fifteen** **9:00 a.m.**

The People are directed to appear and to advise the Court about whether they intend to file a petition for forfeiture and of any related criminal action. A judgment of forfeiture against the claimant requires, as a condition precedent thereto, that a defendant be convicted in an underlying or related criminal action of an offense specified in Health and Safety Code section 11470, subdivision (f) which offense occurred within five years of the seizure of the property subject to forfeiture or within five years of the notice of intent to seek forfeiture. (Health and Safety Code, § 11488.4, subd. (i)(3).)

#### **TENTATIVE RULING**

**CASE:** **Praetorian Insurance Co. v. Hanoum**  
**Case No. CV CV 08-1365**

**Hearing Date:** **August 24, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff Praetorian Insurance Co.'s unopposed Motion For Judgment On The Pleadings is **GRANTED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 438; Plaintiff's Request for Judicial Notice.)

Plaintiff's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

If no hearing is requested, this tentative ruling is effective immediately. Plaintiff is to prepare the proposed order pursuant to California Rules of Court, rule 3.1312 and is to serve a copy of the order on Defendant.